

REMARKS

In the final Office Action mailed May 4, 2007, the Examiner rejected claims 1-11, 22-32, and 43-51 under 35 U.S.C. § 102(e) as being anticipated by *Hillis et al.* (U.S. Patent Publication No. 2003/0196094)¹ and rejected claims 6, 27, and 48 under 35 U.S.C. § 103(a) as being unpatentable over *Hillis et al.* in view of the Examiner's Official Notice.

Claims 2, 4, 12-21, 23, 25, 33-42, 44, and 46 were cancelled by the Amendment filed on February 12, 2007. Claims 1, 3, 5-11, 22, 24, 26-32, 43, 45, and 47-53 remain pending in this application.

Applicants respectfully traverse the rejections under 35 U.S.C. §§ 102 and 103(a), because the cited reference, taken individually or in any proper combination, fails to teach or suggest all the recitations of the claims.

In order to properly establish that *Hillis et al.* anticipates Applicants' claimed invention under § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 is directed to a method for generating verifiable report information. It recites a combination of features including:

generating a hash based on ingredient data related to
the generation of the report, wherein the ingredient data
comprises the report information, the one or more query

¹ Although the heading of the rejection only indicates claims 1-9, 22-30, and 43-51 as rejected, the body of the rejection rejects claims 1-11, 22-32, and 43-53. Applicants assume that it was the Examiner's intention to reject claims 1-11, 22-32, and 43-53 under 102(e) in view of *Hillis et al.*

statements, and at least one of a date and time the report was generated and a version of the report information.

Hillis et al. fails to teach at least this recitation.

Instead, *Hillis et al.* discloses that “[w]hen a data object is registered in the system, its **type** and **content** are used to generate a fast, unique hash value” (*Hillis et al.*, ¶ 0242) (emphasis added.) As set forth in the previous response, *Hillis et al.* defines a “type” of data object as, “text, image, sound, video, and structured data.” (*Id.* at ¶¶ 0173-0176 and FIG. 2.) Accordingly, a “type” of data object as disclosed by *Hillis et al.* cannot equate to “one or more query statements, and at least one of a date and time the report was generated, and a version of the report information,” as recited in independent claim 1.

Moreover, the newly cited passages relied upon by the Examiner, also fail to teach or suggest this recitation. As disclosed by *Hillis et al.*, the generated “hash value is used to identify and register the data object into the registry and is used as the index in the registry’s hash table.” (*Id.* at ¶ 0242.) This hash value is referred to as the “index hash.” (*Id.*) “Along with the index hash and signature, a hash table entry contains a data identifier 110 describing the data object’s type length, and one or more representations of the object’s data 111, 112.” (*Id.* at ¶ 0245.) However, although the hash table may include annotations related to the data, these annotations are not used to generate the index hash. Instead, *Hillis et al.* discloses that only the “type and content” of the data object is used to generate the index hash. (*Id.* at ¶ 0242.) *Hillis et al.* therefore fails to teach or suggest, “generating a hash based on ingredient data related to the generation of the report, wherein the ingredient data comprises the report information, the one or more query statements, and at least one of a date and time the

report was generated and a version of the report information,” as recited in independent claim 1.

In the response filed on February 12, 2007, Applicants explained that *Hillis et al.* also fails to teach or suggest:

outputting the report, the report including the report information and a copy of the generated hash stored in the database, wherein the stored hash and the ingredient data may be subsequently accessed using the copy of the hash included in the report to verify the report information,

as recited in independent claim 1. In response, the Examiner asserts that “modifications to data objects may be authenticated by certifying signatures to annotations.” (*Office Action*, p. 6.) Regardless of whether this is correct, *Hillis et al.* does not disclose that the index hash or signature is included in an outputted report. Instead, *Hillis et al.* discloses that “documents may be made public for purposes of authenticating them, **without actually publishing the content thereof.**” (*Hillis et al.*, ¶ 0400) (emphasis added.) Therefore, in order to carry out the authentication in *Hillis et al.*, a user must compute the index hash using a publicly available algorithm and compare the computed index hash to the index hash stored in the hash table. (*Id.* at ¶¶ 0379-0381.)

Because *Hillis et al.* fails to teach or suggest each and every element of independent claim 1, the anticipation rejection under 35 U.S.C. § 102(e) is legally deficient. Accordingly, Applicants respectfully request the withdrawal of the rejection and the timely allowance of claim 1.

Independent claims 22 and 43, although of different scope than claim 1, recite similar subject matter and are also allowable at least for the same reasons.

In addition, dependent claims 3, 5-11, 24, 26-32, 45, and 47-53 are also not anticipated by *Hillis et al.* for at least the same reasons set forth above in connection with independent claims 1, 22, and 43. Applicants therefore also respectfully request the withdrawal of this rejection and the timely allowance of dependent claims 3, 5-11, 24, 26-32, 45, and 47-53.

Applicants respectfully traverse the Examiner's rejection of claims 6, 27, and 48 under 35 U.S.C. § 103(a) because the Examiner failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." See M.P.E.P. § 2143.03 (8th Ed., Rev. 5, August 2006), quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143.02 (8th Ed., Rev. 5, August 2006).

As discussed above, at a minimum, *Hillis et al.* does not disclose "generating a hash based on ingredient data related to the generation of the report, wherein the ingredient data comprises the report information, the one or more query statements, and at least one of a date and time the report was generated and a version of the report information," and "outputting the report, the report including the report information and a copy of the generated hash stored in the database, wherein the stored hash and the

ingredient data may be subsequently accessed using the copy of the hash included in the report to verify the report information,” as recited in independent claims 1 and 43, and similarly recited in independent claim 22. The Examiner’s assertion of Official Notice does not cure the deficiency of *Hillis et al.* Indeed, the Examiner’s asserted Official Notice only addresses the alleged disclosure of the query statement format. (*Office Action*, p. 5.) Applicants also do not acquiesce in the Examiner’s Official Notice.

Applicants traverse the Examiner’s taking of Official Notice that the above-noted recitations of claims 6, 27, and 48 are well known. An Official Notice rejection is improper unless the facts asserted are well-known or common knowledge in the art, and capable of instant and unquestionable demonstration as being well-known. See M.P.E.P. § 2144.03, the procedures set forth in the Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy dated February 21, 2002, and the precedents provided in *Dickinson v. Zurko*, 527 U.S. 150, 50 U.S.P.Q.2d 1930 (1999) and *In re Ahlert*, 424 F.2d, 1088, 1091, 165 U.S.P.Q. 418, 420 (CCPA 1970). Further, any facts asserted as well-known should serve only to “fill in the gaps” in an insubstantial manner. It is never appropriate to rely solely on “common knowledge” without evidentiary support in the record as the principal evidence upon which a rejection is based. Applicants submit that the recitations recited in claims 6, 27, and 48 are not unquestionably well-known, and the Examiner has failed to demonstrate the contrary. Further, Applicants submit that the query statement format in the context of claims 6, 27, and 48 is not well known. Accordingly, Applicants traverse the Official Notice and request that the Examiner either cite a competent prior art reference in substantiation of these conclusions, or else withdraw the rejection.

Further, Applicants remind the Examiner of the following provision set forth in

M.P.E.P. § 2144.03:

[w]hen a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons.

To the extent the Examiner is relying on personal knowledge in taking Official Notice that the features of claims 6, 27, and 48 are well known, Applicants request that the Examiner provide an affidavit evidencing such knowledge as factually based and legally competent to support the Examiner's conclusions. For these additional reasons, Applicants request that the rejection of claims 6, 27, and 48 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Conclusion


The preceding arguments are based on the arguments presented in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The pending claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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